

Elden M. Rosenthal, OSB No. 722174

Email: elden@rgdpdx.com

Michael A. Greene, OSB No. 802445

Email: mike@rgdpdx.com

John T. Devlin, OSB No. 042690

Email: john@rgdpdx.com

Rosenthal Greene & Devlin, P.C.

121 SW Salmon Street, Suite 1090

Portland, OR 97204

Phone: (503) 228-3015

Fax: (503) 228-3269

Of Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DEREK JOHNSON, personal representative of
KELLY CONRAD GREEN II, deceased; KELLY
CONRAD GREEN; and SANDY PULVER,

Plaintiffs,

v.

CORIZON HEALTH, INC., a Tennessee
Corporation; LANE COUNTY, an Oregon county;
DR. CARL KELDIE, an individual; DR. JUSTIN
MONTROYA, an individual; VICKI THOMAS, an
individual; KIRSTIN WHITE, an individual;
SHARON EPPERSON (née FAGAN, an
individual; and JACOB PLEICH, an individual,

Defendants.

Civil Action No. 6:13-cv-01855-TC

**PLAINTIFF'S PROPOSED
VERDICT FORM**

///

///

///

PLAINTIFFS' PROPOSED VERDICT FORM

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DEREK JOHNSON, personal representative of
KELLY CONRAD GREEN II, deceased; KELLY
CONRAD GREEN and SANDY PULVER

Plaintiffs,

v.

CORIZON HEALTH, INC., a Tennessee
Corporation; LANE COUNTY, an Oregon
county; DR. JUSTIN MONTOYA, an individual;
VICKI THOMAS, an individual; KIRSTIN
WHITE, an individual; SHARON EPPERSON
(née FAGAN), an individual,

Defendants.

Civil Action No. 6:13-cv-01855-TC

VERDICT FORM

We, the jury, return the following verdict:

CIVIL RIGHTS § 1983 CLAIMS

Events Before Casey Green's Court Appearance

1. Did Casey Green suffer damage as a result of the policies, practices or customs of Corizon Health, Inc.?

ANSWER: _____ Yes _____ No

2. Did Casey Green suffer damage as a result of the policies, practices or customs of Lane County?

ANSWER: _____ Yes _____ No

3. Is Dr. Justin Montoya liable in his supervisory capacity for the damages suffered by Casey Green?

ANSWER: _____ Yes _____ No

4. Is Vicki Thomas liable in her supervisory capacity for the damages suffered by Casey Green?

ANSWER: _____ Yes _____ No

If you answered "yes" to Questions 1, 2, 3 or 4, please answer Questions 5, 6 and 7. If you answered "no" to Questions 1, 2, 3 and 4, please proceed to answer Question No. 8.

5. What is the amount of damages suffered by Casey Green?

ANSWER: Economic damages \$_____

Noneconomic damages \$_____

6. Did Casey Green die as a result of the policies, practices or customs of Corizon Health, Inc. or Lane County?

ANSWER: _____ Yes _____ No

7. Did Casey Green die as a result of the supervisory acts or omissions of Justin Montoya, M.D. or Vicki Thomas?

ANSWER: _____ Yes _____ No

If you answered "yes" to Questions 6 and/or 7, please answer Question 8. If you answered "no" to Questions 6 and 7, please proceed to answer Question No. 9.

8. What is the amount of damages (loss of society and companionship) suffered by Casey Green's parents as a result of Casey Green's death?

ANSWER: Kelly Green \$_____

Sandy Pulver \$_____

Events During and After Casey Green's Court Appearance

9. Did Casey Green suffer damage as a result of the policies, practices or customs of Corizon Health, Inc.?

ANSWER: _____ Yes _____ No

If so, what is the amount of damages suffered by Casey Green as a result of the policies, practices or customs of Corizon Health, Inc.?

ANSWER: Economic damages \$_____

Noneconomic damages \$_____

10. Did Casey Green suffer damage as a result of the policies, practices or customs of Lane County?

ANSWER: _____ Yes _____ No

If so, what is the amount of damages suffered by Casey Green as a result of the policies, practices or customs of Lane County?

ANSWER: Economic damages \$_____

Noneconomic damages \$_____

11. Was Kirstin White deliberately indifferent to Casey Green's rights under the Fourteenth Amendment?

ANSWER: _____ Yes _____ No

12. *If you answered "yes" to Question 11:* Did Kirstin White's actions cause damage to Casey Green?

ANSWER: _____ Yes _____ No

13. *If you answered "yes" to Question No. 12:* What is the amount of damages suffered by Casey Green as a result of the deliberate indifference of Kirstin White?

ANSWER: Economic damages \$_____

Noneconomic damages \$_____

14. Was Sharon Epperson deliberately indifferent to Casey Green's rights under the Fourteenth Amendment?

ANSWER: _____ Yes _____ No

15. *If you answered “yes” to Question 14:* Did Sharon Epperson’s actions cause damage to Casey Green?

ANSWER: _____ Yes _____ No

16. *If you answered “yes” to Question No. 15:* What is the amount of damages suffered by Casey Green as a result of the deliberate indifference of Sharon Epperson?

ANSWER: Economic damages \$_____

 Noneconomic damages \$_____

17. Was Vicki Thomas deliberately indifferent to Casey Green’s rights under the Fourteenth Amendment?

ANSWER: _____ Yes _____ No

18. *If you answered “yes” to Question 17:* Did Vicki Thomas’s actions cause damage to Casey Green?

ANSWER: _____ Yes _____ No

19. *If you answered “yes” to Question No. 18:* What is the amount of damages suffered by Casey Green as a result of the deliberate indifference of Vicki Thomas?

ANSWER: Economic damages \$_____

 Noneconomic damages \$_____

20. Did Casey Green die as a result of the policies, practices or customs of Corizon Health, Inc. or Lane County?

ANSWER: _____ Yes _____ No

21. Did Casey Green die as a result of the deliberate indifference of Kirstin White, Sharon Epperson or Vicki Thomas?

ANSWER: _____ Yes _____ No

If you answered “yes” to Questions 20 or 21, please answer Question 22. If you answered “no” to both Questions 20 and 21, please proceed to answer Question 23.

22. What is the amount of damages (loss of society and companionship) suffered by Casey Green's parents as a result of Casey Green's death?

ANSWER: Kelly Green \$_____

Sandy Pulver \$_____

Punitive damages

Please answer the following questions if you awarded damages against Corizon Health, Inc, Kirstin White, Sharon Epperson, Vicki Thomas or Dr. Justin Montoya.

If you did not award damages against any of those defendants, please proceed to Question 28.

23. Did Corizon Health, Inc. act maliciously or wantonly or with a callous or reckless disregard of Casey Green's constitutional rights?

ANSWER: _____ Yes _____ No

If so, what amount of punitive damages, if any, should Corizon Health, Inc. pay?

ANSWER: \$_____

24. Did Kirstin White act maliciously or wantonly or with a callous or reckless disregard of Casey Green's constitutional rights?

ANSWER: _____ Yes _____ No

If so, what amount of punitive damages, if any, should Kirstin White pay?

ANSWER: \$_____

25. Did Sharon Epperson act maliciously or wantonly or with a callous or reckless disregard of Casey Green's constitutional rights?

ANSWER: _____ Yes _____ No

If so, what amount of punitive damages, if any, should Sharon Epperson pay?

ANSWER: \$_____

26. Did Vicki Thomas act maliciously or wantonly or with a callous or reckless disregard of Casey Green's constitutional rights?

ANSWER: _____ Yes _____ No

If so, what amount of punitive damages, if any, should Vicki Thomas pay?

ANSWER: \$_____

27. Did Dr. Justin Montoya act maliciously or wantonly or with a callous or reckless disregard of Casey Green's constitutional rights?

ANSWER: _____ Yes _____ No

If so, what amount of punitive damages, if any, should Dr. Justin Montoya pay?

ANSWER: \$_____

GROSS NEGLIGENCE/RECKLESS MISCONDUCT

28. Was Casey Green injured as a result of the gross negligence or reckless misconduct of Corizon Health, Inc.?

ANSWER: _____ Yes _____ No

If so, what is the amount of damages suffered by Casey Green as a result of Corizon Health, Inc.'s gross negligence or reckless misconduct?

ANSWER: Economic damages \$_____

Noneconomic damages \$_____

29. Did the gross negligence or reckless misconduct of Corizon Health, Inc. cause the death of Casey Green?

ANSWER: _____ Yes _____ No

If so, what is the amount of damages (loss of society and companionship) suffered by Casey Green's parents as a result of Casey Green's death?

ANSWER: Kelly Green \$_____

Sandy Pulver \$_____

If you answered “yes” to Question 28, please answer Question 30. If you answered “no” to Question 28, please proceed to Question 31.

30. Did Corizon Health, Inc. act maliciously or wantonly, or with a callous or reckless disregard of Kelly Green’s safety?

ANSWER: _____ Yes _____ No

If so, what amount of punitive damages, if any, should Corizon Health, Inc. pay?

\$_____

NEGLIGENCE

Corizon

31. Was Corizon Health, Inc. negligent in one or more of the ways alleged by the plaintiffs?

ANSWER: _____ Yes _____ No

32. Did that negligence cause damages to Casey Green?

ANSWER: _____ Yes _____ No

If you answered “yes” to Questions 31 and 32 please proceed to Question 33. If you answered “no” to Questions 31 and/or Question 32, please proceed to Question 35.

33. What is the amount of damages suffered by Casey Green as a result of that negligence?

ANSWER: Economic damages \$_____

Noneconomic damages \$_____

34. Did that negligence cause the death of Casey Green?

ANSWER: _____ Yes _____ No

If so, what is the amount of damages (loss of society and companionship) suffered by Casey Green’s parents as a result of Casey Green’s death?

ANSWER: Kelly Green \$_____

Sandy Pulver \$_____

Lane County

35. Was Lane County negligent in one or more of the ways alleged by the plaintiffs?

ANSWER: _____ Yes _____ No

36. Did that negligence cause damages to Casey Green?

ANSWER: _____ Yes _____ No

If you answered "yes" to Question 35 and Question 36, please proceed to Question 37. If you answered "no" to Question 35 and/or Question 36, do not answer the remaining questions.

37. What is the amount of damages suffered by Casey Green as a result of that negligence?

ANSWER: Economic damages \$_____

Noneconomic damages \$_____

38. Did that negligence cause the death of Casey Green?

ANSWER: _____ Yes _____ No

If so, what is the amount of damages (loss of society and companionship) suffered by Casey Green's parents as a result of Casey Green's death?

ANSWER: Kelly Green \$_____

Sandy Pulver \$_____

Dated this ____ day of July, 2015.

Presiding Juror

SUBMITTED this 19th day of May, 2015.

ROSENTHAL GREENE & DEVLIN, PC

/s/ Elden M. Rosenthal

Elden M. Rosenthal, OSB No. 722174

Email: elden@rgdpdx.com

Michael A. Greene, OSB No. 802445

Email: mike@rgdpdx.com

John T. Devlin, OSB No. 042690

Email: john@rgdpdx.com

Phone: (503) 228-3015

Fax: (503) 228-3269

Of Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I served true and correct copies of the foregoing:

1. PLAINTIFFS' PROPOSED VERDICT FORM

on the following:

James Daigle
Adam Heder
Stewart Sokol & Larkin LLC
2300 SW First Ave., Suite 200
Portland, OR 97201
jmdaigle@lawssl.com
aheder@lawssl.com

Richard K. Hansen
Anne M. Talcott
Schwabe, Williamson & Wyatt, P.C.
1211 SW 5th Ave., Suite 1900
Portland, OR 97204
rhansen@schwabe.com
atalcott@schwabe.com

Of Attorneys for Corizon defendants.

Of Attorneys for Corizon defendants.

Robert L. Goldstucker
Nall & Miller, LLP
235 Peachtree St., NE
Suite 1500 – North Tower
Atlanta, GA 30303-1418
bgoldstucker@nallmiller.com

Sebastian Tapia
Stephen Dingle
Lane County Counsel
125 East 8th Avenue
Eugene, OR 97401
Sebastian.tapia@co.lane.or.us
Stephen.dingle@co.lane.or.us

Of Attorneys for Corizon defendants.

Of Attorneys for Lane Co. defendant.

by the following method/s:

_____	mail with postage prepaid, deposited in the US mail at Portland, OR
<u> X </u>	service made via electronic mailing and/or CM/ECF filing
_____	hand delivery
_____	facsimile transmission
_____	overnight delivery.

Dated this 19th day of May, 2015.

/s/ Elden M. Rosenthal
ELDEN M. ROSENTHAL, OSB No. 722174
MICHAEL A. GREENE, OSB No. 802445
JOHN T. DEVLIN, OSB No. 042690
Of Attorneys for Plaintiff